



# MEMO ENDORSED

NECA-IBEW HEALTH & WELFARE FUND, Individually and on Behalf of All Others Similarly Situated,

Plaintiff,

v.

GOLDMAN, SACHS & CO., et al.,

Defendants.

Case No. 08-CV-10783 (MGC)

**DEFENDANTS' NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT**

**(ORAL ARGUMENT REQUESTED)**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, dated August 19, 2009, and the accompanying Declaration of Patrice A. Rouse, dated August 19, 2009, with attached exhibits, defendants Goldman, Sachs & Co., Goldman Sachs Mortgage Company, GS Mortgage Securities Corp., Kevin Gasvoda, Michelle Gill and Daniel L. Sparks (collectively, "Defendants") will move this Court, before the Honorable Miriam G. Cedarbaum, on September 17, 2009 at 9:30 a.m., or at such other time as the Court may order, in Courtroom 14A of the United States Courthouse at 500 Pearl Street, New York, New York 10007, for an Order dismissing the Amended Complaint in this action, with prejudice, pursuant to Federal Rules of Civil Procedure 12(b)(1), for lack of standing, and 12(b)(6), for failure to state a claim and as barred by the statute of limitations.

Motions to dismiss granted with leave to plaintiff to file and serve an amended complaint by no later than November 9, 2009.

So ordered.  
September 18, 2009 S/ United States District Judge  
Close Motion